



Service of Process Transmittal

11/20/2019

CT Log Number 536672982

TO: Jordana Bradley
Carefirst Blue Cross Blue Shield
840 1st St NE, DC 12-08
Washington, DC 20065-0001

RE: Process Served in Virginia

FOR: CareFirst BlueCross Blueshield (Assumed Name) (Domestic State: DC)
GROUP HOSPITALIZATION AND MEDICAL SERVICES, INC (True Name)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Dominion Surgical Specialists, LLC, Pltf. vs. CareFirst Blue Cross Blue Shield Ins. Co, DFT.
Name discrepancy noted.

DOCUMENT(S) SERVED: Summons, Civil Case Coversheet, Complaint, Certificate

COURT/AGENCY: Fairfax County Circuit Court, VA
Case # CL20190015404

NATURE OF ACTION: Insurance Litigation

ON WHOM PROCESS WAS SERVED: C T Corporation System, Glen Allen, VA

DATE AND HOUR OF SERVICE: By Process Server on 11/20/2019 at 09:15

JURISDICTION SERVED : Virginia

APPEARANCE OR ANSWER DUE: Within 21 days after such service

ATTORNEY(S) / SENDER(S): DANIEL G. GLYNN, ESQ.
Merrifield Law Firm, PLLC
2755 Hartland Road
Suite 204
Falls Church, VA 22043
703-884-2399

REMARKS: According to the Virginia State Corporation Commission, the only entity registered beginning with the name (CareFirst Blue Cross Blue Shield Ins Co) is (CareFirst BlueCross Blueshield)

ACTION ITEMS: CT has retained the current log, Retain Date: 11/21/2019, Expected Purge Date: 11/26/2019

Image SOP

Email Notification, Jordana Bradley jordana.bradley@carefirst.com

Email Notification, Robert Glaze robert.glaze@carefirst.com

Email Notification, Brenda Gray brenda.l.gray@carefirst.com

Email Notification, Nicole Pulianas nicole.pulianas@carefirst.com

SIGNED: C T Corporation System



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Transmittal**

11/20/2019

CT Log Number 536672982

TO: Jordana Bradley
Carefirst Blue Cross Blue Shield
840 1st St NE, DC 12-08
Washington, DC 20065-0001

RE: Process Served in Virginia

FOR: CareFirst BlueCross Blueshield (Assumed Name) (Domestic State: DC)
GROUP HOSPITALIZATION AND MEDICAL SERVICES, INC (True Name)

ADDRESS: 208 LaSalle Ave
Suite 814
Chicago, IL 60604

For Questions: 866-539-8692
CorporationTeam@wolterskluwer.com

COMMONWEALTH OF VIRGINIA
CIRCUIT COURT OF FAIRFAX COUNTY
4110 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030
703-691-7320
(Press 3, Press 1)

Dominion Surgical Specialists LLC vs. CareFirst Blue Cross Blue Shield Ins Co
CL-2019-0015404

TO: CareFirst Blue Cross Blue Shield Ins Co
CT Corporation System, R/A
4701 Cox Road, Suite 285
Glen Allen VA 23060

SUMMONS – CIVIL ACTION

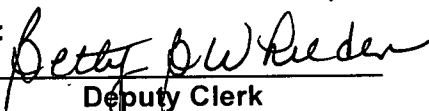
The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the Clerk's office of this Court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment or decree against such party either by default or after hearing evidence.

APPEARANCE IN PERSON IS NOT REQUIRED BY THIS SUMMONS.

Done in the name of the Commonwealth of Virginia, on November 13, 2019.

JOHN T. FREY, CLERK

By:


Deputy Clerk

Plaintiff's Attorney: Daniel Glynn

2019 1540 FILED
CIVIL INTAKEFAIRFAX CIRCUIT COURT
CIVIL CASE COVERSHEET

2019 NOV 12 PM 12:33

Parties:

Plaintiffs	Defendants
1. Dominion Surgical Specialists, LLC	1. CareFirst Blue Cross Blue Shield of Virginia
2.	2.
3.	3.

*Plaintiff proceeding without Counsel – Address and Daytime Phone Number required on Complaint

Plaintiff Attorney:

Name: Daniel Glynn	Bar ID: 86162
Firm: Merrifield Law Firm, PLLC	
Street: 2755 Hartland Rd., Suite 204	
City: Falls Church	State: VA Zip: 22043
Phone Number: 703-884-2399	Fax Number: 703-995-4336
E-mail Address: dglynn@merrifieldlaw.com	

Nature of Complaint (Check only one)

* Cases in the Civil Tracking Program

<input type="checkbox"/> Administrative Appeal	<input type="checkbox"/> Defamation *	<input type="checkbox"/> Malpractice – Medical *
<input type="checkbox"/> Affirmation of Marriage	<input type="checkbox"/> Delinquent Taxes *	<input type="checkbox"/> Mechanics/Vendors Lien *
<input type="checkbox"/> Aid & Guidance	<input type="checkbox"/> Eminent Domain	<input type="checkbox"/> Partition *
<input type="checkbox"/> Appeal Decision of Board of Zoning	<input type="checkbox"/> Encumber/Sell Real Estate	<input type="checkbox"/> Personal Injury – Assault *
<input type="checkbox"/> Appeal of Process/Judicial Appeal	<input type="checkbox"/> Erroneous Assessments	<input type="checkbox"/> Personal Injury – Auto *
<input type="checkbox"/> Appointment Church/Organization	<input type="checkbox"/> Expungement	<input type="checkbox"/> Personal Injury – Emotional *
<input type="checkbox"/> Trustees		
<input type="checkbox"/> Arbitration	<input type="checkbox"/> False Arrest/Imprisonment*	<input type="checkbox"/> Personal Injury – Premises Liability*
<input type="checkbox"/> Attachment	<input type="checkbox"/> Fiduciary/Estate Complaint	<input type="checkbox"/> Property Damage*
<input type="checkbox"/> Complaint – Equity *	<input type="checkbox"/> Garnishment–Federal–180 days	<input type="checkbox"/> Products Liability*
<input type="checkbox"/> Complaint – Legal Cause of Action *	<input type="checkbox"/> Garnishment–Wage–180 days	<input type="checkbox"/> Quiet Title *
<input type="checkbox"/> Compromise Settlement	<input type="checkbox"/> Garnishment–Other – 90 days	<input type="checkbox"/> Real Estate *
<input type="checkbox"/> Condemnation*	<input type="checkbox"/> Guardian/Conservator Adult	<input type="checkbox"/> Restoration of Driving Privilege
<input type="checkbox"/> Confession of Judgment	<input type="checkbox"/> Guardianship/Minor	<input type="checkbox"/> Vital Record Correction
<input type="checkbox"/> Construction *	<input type="checkbox"/> Injunction	<input type="checkbox"/> Writ Habeas Corpus
<input checked="" type="checkbox"/> Contract *	<input type="checkbox"/> Interpleader	<input type="checkbox"/> Writ Mandamus
<input type="checkbox"/> Conversion*	<input type="checkbox"/> Insurance *	<input type="checkbox"/> Wrongful Death*
<input type="checkbox"/> Court Satisfaction of Judgment	<input type="checkbox"/> Judicial Review	<input type="checkbox"/> Wrongful Discharge *
<input type="checkbox"/> Declare Death	<input type="checkbox"/> Malicious Prosecution *	<input type="checkbox"/> OTHER:
<input type="checkbox"/> Declaratory Judgment *	<input type="checkbox"/> Malpractice – Legal *	

Damages in the amount of \$ 458,905.71 are claimed.

Requested Service: Sheriff ☒ Private Process Server ☐ DMV ☐ Secretary of Commonwealth ☐
 State Corporation Commission ☐ Publication ☐ No Service at this time ☐

FILED
CIVIL INTAKE
2019 NOV 12 PM 12:33
JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

VIRGINIA:

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

Dominion Surgical Specialists, LLC,
Plaintiff,

v.

CareFirst Blue Cross Blue Shield Ins. Co.,
Defendant

Case No. **2019 15404**

COMPLAINT

Plaintiff, Dominion Surgical Specialists, LLC, by way of its Complaint against the Defendant, hereby states:

PRELIMINARY STATEMENT

This case involves allegations that Defendant CareFirst Blue Cross Blue Shield Insurance Company, has breached its obligations under Virginia law with regard to services provided by the Plaintiff. Specifically, Plaintiff, by the undersigned counsel, brings this action and alleges:

PARTIES

1. Plaintiff Dominion Surgical Specialists, LLC ("DSS"), is a Virginia limited liability company with its principal place of business at 2755 Hartland Rd., Suite 300, Falls Church, VA 22043.

2. Defendant CareFirst Blue Cross Blue Shield Insurance Company, ("CareFirst BCBS") is a Washington, DC corporation engaged in commerce in Virginia and is registered in Virginia and has a Virginia registered agent located at: CT Corp. System, 4701 Cox Road, Suite 285, Glen Allen, VA 23060.

JURISDICTION AND VENUE

3. This Complaint is a civil action by Plaintiff DSS, against Defendant CareFirst BCBS. This Court has jurisdiction over these claims pursuant to Va. C. § 17.1-513.

4. The Defendant regularly performs its business activities within the Commonwealth of Virginia and the County of Fairfax.

5. The events, the life-saving medical care rendered to the Carefirst member, giving rise to this action occurred in Fairfax County, Virginia. This Court has jurisdiction over the Defendant, and venue is proper in this district.

STATEMENT OF FACTS

6. DSS provides medical care services and during all relevant periods has maintained its principal place of business in Fairfax County, Virginia.

7. DSS performed medical services valued at \$483,856.76 for a CareFirst BCBS member (JHG REDACTED) between the dates of May 5, 2018 and March 27, 2019.

8. CareFirst BCBS has only paid \$20,637.39, leaving \$458,905.71 due based on DSS's billed amounts.

9. CareFirst BCBS did not meet its statutory obligation to reimburse DSS pursuant to § 38.2-3445(4).

10. CareFirst BCBS did not reimburse DSS by the greater of (i) the amount negotiated with in-network providers for the emergency service, or if more than one amount is negotiated, the median of these amounts; (ii) the amount for the emergency service calculated using the same method the health carrier generally uses to determine payments for out-of-network services, such as the usual, customary, and reasonable amount; and (iii) the amount that would be paid under Medicare for the emergency service as required by § 38.2-3445(4).

COUNT I

(Duty to reimburse providers for out-of-network providers for emergent care)

11. CareFirst BCBS incorporates and realleges paragraphs 1-10 of this Complaint.
12. CareFirst BCBS was subject to Virginia Code § 38.2-3445.
13. CareFirst BCBS failed to reimburse DSS in accordance with § 38.2-3445.

COUNT II

(Quantum Meruit)

14. DSS incorporates and realleges paragraphs 1-10 of this Complaint.
15. DSS performed emergent medical services for a covered member of CareFirst BCBS.
16. DSS was required to perform such services as a legal and ethical requirement of the medical profession to serve individuals suffering from emergent medical conditions.
17. CareFirst BCBS had knowledge of the conferred benefit.
18. Acceptance of this benefit by CareFirst BCBS in these circumstances would be inequitable.
19. DSS requested payment from Defendant for the reasonable value of its services. However, Defendant has refused to pay DSS for the services.
20. As a direct and proximate result of Defendant's failure to pay DSS for the emergent medical services, DSS has suffered damages in an amount to be proven at trial.

COUNT III

(Unjust Enrichment)

21. DSS incorporates and realleges paragraphs 1-10 of this Complaint.

22. DSS performed emergent medical services for a covered member of CareFirst BCBS.

23. DSS was required to perform such services as a legal and ethical requirement of the medical profession to serve individuals suffering from emergent medical conditions.

24. DSS has dutifully attempted to obtain appropriate reimbursement for its services, it has not received appropriate reimbursement for critical medical care.

25. The Defendant has benefited by virtue of the fact that Defendant did not remit appropriate payment to DSS for its medical services.

26. Defendant's retention of monies which should have been remitted for emergent services for one of its covered members is unjust and inequitable.

27. DSS requested payment from Defendant for the reasonable value of its services. However, Defendant has refused to pay DSS for the services.

28. As a direct and proximate result of Defendant's failure to pay DSS for the emergent medical services, DSS has suffered damages in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, DSS prays for judgment against CareFirst BCBS as follows:

29. That the Court enter judgment against Defendant in the amount of \$458,905.71;

30. That interest be awarded on all of the foregoing amounts;

31. That the Court order such other and further relief as the Court may deem just and equitable under the circumstances of this case.

JURY DEMAND

Plaintiff DSS hereby demands a trial by jury against the Defendant named herein, as to each count of the foregoing Complaint.

Dated this 5 day of November 2019.

A handwritten signature in black ink, appearing to read 'D. Glynn', written over a horizontal line.

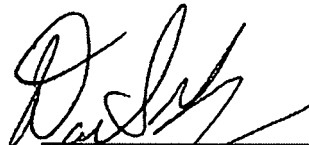
Daniel G. Glynn, Esq.
Bar No. 86162
Merrifield Law Firm, PLLC
2755 Hartland Road
Suite 204
Falls Church, VA 22043
Tel: 703-884-2399
Fax: 703-995-4336
dglynn@merrifieldlaw.com

COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on the 5 day of November 2019 I filed the foregoing with the Clerk of Court by mail, and requested a copy to be served to the following:

CareFirst Blue Cross Blue Shield Insurance Company
CT Corporation System
4701 Cox Road; Suite 285
Glen Allen, VA 23060


Daniel G. Glynn, Esq.